

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>OMAHA CONSTRUCTION INDUSTRY PENSION FUND, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>8:08CV483</b>
	)	
<b>RUPERT CONSTRUCTION COMPANY, INC.,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

Upon notice of settlement given to the magistrate judge on September 15, 2009, by counsel for the plaintiffs,

**IT IS ORDERED that:**

1. **On or before October 15, 2009**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to Joseph F. Bataillon, at *bataillon@ned.uscourts.gov*, a draft order which will fully dispose of the case. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.
2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.
3. The planning conference previously scheduled is cancelled upon the representation that this case is settled.

DATED this 15th day of September, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge